U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40739038

Date: DEC. 17, 2025

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner is a computer engineer who seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver (NIW) of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the Form I-140, Immigrant Petition for Alien Workers (petition), concluding that the record established that the Petitioner qualified for the underlying visa classification, but he did not merit a discretionary waiver of the job offer requirement in the national interest. The matter is now before us on appeal under 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

We adopt and affirm SCOPS' ultimate determination with the added comments below. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Giday v. INS*, 113 F.3d 230, 234 (D.C. Cir. 1997) (noting that the practice of adopting and affirming the decision below "is not only common practice, but universally accepted").

The Petitioner alleges that SCOPS' decision to deny the petition "is based on a misunderstanding of the evidentiary requirements provided by the analytical framework in the precedential Dhanasar decision, and on an incomplete analysis that ignores key evidence submitted." We disagree. While we do not agree with every element within SCOPS' decision, it is a thorough and adequate evaluation of the Petitioner's salient claims and evidence.

And on the issue of the requirements emanating from the *Dhanasar* decision, a review reveals that Dr. Dhanasar presented *his* proposed endeavor as having a significant impact in his field, as did many of the expert letters supporting his petition. And when we considered Dr. Dhanasar's appeal, we performed two evaluations to determine what did, and what did not, qualify as a proposed endeavor under prong one's national importance requirements. We decided his future research efforts qualified, while his future teaching endeavor did not.

Ultimately, the question petitioners should answer for prong one's national importance requirement is not whether an endeavor could touch its broader field in some limited way, but whether it could impact the field in ways that carry national importance. Routine or incremental contributions that merely add knowledge or other improvements to the field without broader implications are generally insufficient to satisfy *Dhanasar's* prong one requirements. *See Matter of Dhanasar*, 26 I&N Dec. at 889–90, 893 (concluding through its descriptive language that an endeavor's impact in a field should be wide or extensive and should not be limited, e.g., "broader implications," "significant potential," "substantial positive economic effects," and "more broadly").

The *Dhanasar* decision provides examples illustrating that—when it comes to national importance—a qualifying endeavor cannot rest on minimal effects. The decision does not provide that we only consider whether an endeavor has the potential to have *any* prospective impact in the field. Interpreting the requirements in that manner would effectively nullify the stature requirement under prong one that the endeavor must be of national importance. Instead, it should include qualitative aspects and have "national or even global implications within a particular field" or have "significant potential to employ U.S. workers or has other substantial positive economic effects." *Id.* at 889–90. (Emphasis added).

We implemented that concept in the *Dhanasar* decision itself when we drew the distinction between his two claimed endeavors: one to continue research into propulsion systems for nano-satellites, rocket-propelled ballistic missiles, and single-stage-to-orbit vehicles, and another endeavor to continue teaching aerospace engineering at the university level. The potential level of impact of Dr. Dhanasar's future research was a key factor in demonstrating that his work met the criteria of being nationally important under the first prong. What makes this apparent was his future efforts in teaching did not have a sufficient level of impact in the broader field and therefore, did not meet the national importance requirements under prong one. Dr. Dhanasar did not show that he "would be engaged in activities that would impact the field of STEM education more broadly."

A proposed endeavor should demonstrate qualitative contributions—such as adequately advancing knowledge, improving practices, or creating conditions with national or even global implications—rather than relying on vague or incremental effects. USCIS policy guidance further reinforces this qualitative approach as being proper, stating that national importance may be established "if the evidence of record demonstrates that the person's proposed endeavor has the *significant* potential to" have a noteworthy positive impact on society or a particular technology or area of study. *See generally* 6 *USCIS Policy Manual* F.5(D)(3), https://www.uscis.gov/policy-manual (citing *Matter of Dhanasar*, 26 I&N Dec. at 889–90, 892). (Emphasis added).

The Petitioner continues in the appeal to claim that articles and other materials that are generally about privacy in computing, are the types of evidence that adequately support his claims under the nationally important portion of *Dhanasar's* first prong. When we evaluate national importance, the relevant question is not the importance of the industry or profession in which the alien will work. Rather, we focus on "the specific endeavor that the alien proposes to undertake" and we look to evidence illustrating the "potential prospective impact" of their actual proposed work. *Id.* SCOPS conveyed this in their request for evidence (RFE) and in the petition's denial decision, but it appears the Petitioner refuses to accept the agency's ruling on the issue. The Petitioner has the burden to submit claims and evidence that preponderantly meet the requirements as specified in the statute, regulation,

precedent decisions, and agency policies. But he has not satisfied that burden here. *See Matter of Y-B-*, 21 I&N Dec. 1136, 1142 n.3 (BIA 1998) (finding that the filing party's burden of proof comprises both the initial burden of production, as well as the ultimate burden of persuasion).

He also appears to argue several aspects emanating from the RFE that SCOPS did not include in the denial decision. For instance, he discusses his experience performing peer review under prong one. Not only are those claims better considered under prong two relating to his claims that he is well positioned to advance the endeavor, but SCOPS did not make any adverse determination relating to his peer review experience under *Dhanasar's* first prong. The Petitioner does not explain how topics that may have been mentioned in a RFE, but did not secure a place in the denial decision can serve as a proper basis to challenge SCOPS' final decision.

And finally, the Petitioner also raises the issue of a material change. We observe that SCOPS only mentioned that issue one time, and while they did note that the Petitioner made a change in between the initial filing and his RFE response, they did not rely on that determination as a primary basis to deny the petition. Instead, their focus was more on the issue of whether his research through his proposed endeavor "would be known widely enough to have a broader impact rising to the level of national importance."

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.